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REPLY TO: BLOOMFIELD OFFICE

January 4, 2010

**Via Electronic Filing**

Honorable Robert M. Levy, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Calogero DiMaria, et al. vs. Anthony Fasulo, et al.**  
**Docket No. 07-cv-0797 (ERK)(RML)**  
**Our File No.: 5462**

Dear Magistrate Levy:

As you know, this office represents the Plaintiffs in the above matter. Currently, Your Honor has scheduled a telephone conference for January 7, 2010 at 3:30 p.m. to re-evaluate the status of the case and to set a schedule for briefing the class certification motion. In response to our last request, dated December 18, 2009, Your Honor granted the Motion to extend the discovery at a date to be set at the January 7, 2010 status conference. Unfortunately, I will be traveling throughout the course of that day and am not confident that I will have phone reception at that time. With the consent of my adversary, I respectfully request that the status conference be adjourned to January 12, 2010 or the morning of January 14, 2010. Kindly indicate whether this request can be granted.

Respectfully submitted,

  
BENJAMIN A. KARFUNKEL

BAK/gms

cc: Barbara Mehlsack, Esq.